

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

**JURY TRIAL DEMANDED**

**AGREED MOTION TO AMEND DOCKET CONTROL ORDER**

Plaintiff Entropic Communications, LLC, with Defendant Charter Communications, Inc.'s agreement, hereby moves to amend the Docket Control Order (Dkt. 40), in its current form of the Fifth Amended Docket Control Order (Dkt. 165), to extend the deadline to complete expert discovery by four (4) days.

Good cause exists for these extensions due to the need to comprehensively incorporate information from recent third-party discovery into supplemental expert reports and complete expert discovery. This extension will allow the parties to agree on a comprehensive expert supplementation and discovery schedule that allows both sides to address or rebut necessary issues on a briefing schedule that will still close several weeks in advance of the October 30, 2023 pretrial conference. Specifically, the parties have agreed that Entropic's damages expert Stephen Dell will supplement his expert report no later than September 19, 2023, and that Charter's damages expert Christopher Bakewell will supplement his expert report in rebuttal no later than September 25, 2023. Entropic may also serve a short supplemental expert report from Dr. Kramer to address the same limited issues from new discovery. The parties agree that if this occurs then Charter's expert Dr. Almeroth may serve a short rebuttal to Dr. Kramer's report. This proposed amendment avoids

what would otherwise likely be competing opposed motions for leave or to strike supplementation occasioned by the recent fact discovery. The amendment to the expert discovery deadline will allow the parties to incorporate new material into their supplemental reports and avoid the need to submit follow-on reports.

This extension will not affect any of the other remaining deadlines or the trial date in this action. Counsel for the Parties have conferred on this extension and are in agreement.

Accordingly, the Parties respectfully request that the Court amend its Docket Control Order to extend the deadline to complete expert discovery by four (4) days. This extension is reflected in the proposed Amended Docket Control Order submitted herewith.

Dated: September 18, 2023

Respectfully submitted,

/s/ James Shimota

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this the 18th day of September, 2023.

*/s/ James Shimota*  
James Shimota

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies pursuant to Local Rule CV-7(i) that the relief requested in this motion is agreed.

*/s/ James Shimota*  
James Shimota